



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

6/27/2019 2:34:22 PM

Office of West Virginia  
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-  
MAKING REVIEW COMMITTEE**

AGENCY: Respiratory Care TITLE-SERIES: 30-09  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: 30-09 Student Temporary Permit

**PRIMARY CONTACT**

NAME: WV Bd of Respiratory Care  
ADDRESS: 106 Dee Drive Suite 1  
Charleston, WV 25311  
EMAIL: nancy.j.massey@wv.gov  
PHONE NUMBER: 304-558-1382

CITE STATUTORY AUTHORITY: 30-34-6 & 30-34-9

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Allows current student temporary permit holders to work thru to the expiration date and allows students of 4 educational programs to renew work permits multiple times. Decreasing renewal fee from 40.00 to 25.00

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/24/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/24/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

Allows current student temporary permit holders to work thru to the expiration date and allows students of 4 educational programs to renew work permits multiple times. Decreasing renewal fee from 40.00 to 25.00

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

Without these amendments the student temporary permits become invalid upon graduation. This created hardship on employers trying to retain students for fulltime employees and also on the students financially in preparing for national exams.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

0

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

Increase in workforce for healthcare facilities and will help retain students in-state after graduation

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

NA

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Nancy J Massey -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

30CSR9  
TITLE 30  
LEGISLATIVE RULE  
WV BOARD OF RESPIRATORY CARE  
SERIES 9  
STUDENT TEMPORARY PERMIT

**§30-9-1 General**

1.1 Scope -- This legislative rule establishes the temporary permit process, fees and practice limitations for students enrolled in accredited respiratory care schools.

1.2 Authority -- WV Code 30-34-6 and 30-34-9

1.3 Filing Date -- ~~June 11, 2008~~

1.4 Effective Date -- ~~June 1, 2009~~

1.5. Sunset Provision -- This rule shall terminate and have no further force or effect upon the expiration of ten (10) years from final filing date.

**§30-9-2 Application for Student Temporary Permit**

2.1 An applicant for student temporary permit shall file with the West Virginia Board of Respiratory Care a signed permit application form and shall pay an initial six (6) month permit application fee of seventy-five dollars (\$75.00).

2.2 The applicant ~~must~~ shall submit:

~~2.2a~~ 2.2.1 A student work permit form signed by the program director of an accredited respiratory care program and by a principal administrative official of the institution where the program is located.

~~2.2b~~ 2.2.2 An official transcript indicating successful completion of a minimum of thirty semester hours or the quarter hour equivalent, eighteen of which must be specific to respiratory care core curriculum, and at least two hundred clinical hours.

~~2.2c~~ 2.2.3 Documentation from the program director indicating clinical competencies completed indicating successful completion of tasks by ~~didactic~~ didactic testing and clinical observation by school faculty.

2.3 Upon expiration of initial six (6) month permit the student ~~may~~ may apply for ~~an~~ additional six month permit by payment of an additional fee of ~~forty~~ twenty-five dollars (~~\$40.00~~) (\$25.00) and providing the WV Board of Respiratory Care with documentation from the program director of the school where the student is enrolled stating the student is actively enrolled and taking a minimum of 9 satisfactory semester hours in respiratory care curriculum. Graduate respiratory care therapists may continue to work under their student temporary permit until the permit expires.

**§30-9-3 Practice Limitations for the Student Temporary Permit holder.**

3.1 The following procedures, approved by the Board, may be assigned to a student temporary permit holder if the permit holder has demonstrated the completion and competence of such tasks in the documentation from the school facility:

a) 3.1.1 Set up and maintenance of low flow oxygen devices of 6 LPM or less to include nasal cannula or a simple mask.

b) 3.1.2 Set up and maintenance of aerosol devices with ~~FiO2~~ oxygen percentage of equal to or less than 50%.

c) 3.1.3 Delivery of medications through a spontaneous small volume nebulizer.

d) 3.1.4 Medication delivery via Metered Dose Inhaler or Dry Powder Inhaler.

e) 3.1.5 Measurement of peak flow.

f) 3.1.6 Measurement of simple spirometry.

g) 3.1.7 Measurement of pulse oximetry.

h) 3.1.8 Use of the following airway clearance devices or techniques: therapy vest, chest physiotherapy, incentive spirometry, suctioning via artificial airway, and positive expiratory pressure therapies.

i) 3.1.9 Cardiopulmonary Resuscitation after Basic Life Support Certification.<sup>30</sup>

3.2 A holder of the student temporary permit must work under the supervision of a licensed respiratory therapist ~~certified or registered~~. The licensed respiratory therapist must be present in the facility where the holder of the student temporary permit is working. Direct observational supervision is not required but the licensed respiratory therapist must be available in the event of an emergent need and act as source of reference for the holder of the student temporary permit.

3.3 A holder of the student temporary permit is not allowed to perform procedures on patients requiring mechanical ventilation, or on patients in any critical care situation or environments, such as: emergency rooms, intensive care units, and post anesthesia care units.

3.4 Mass casualty situations are permitted if the student temporary permit holder has received the proper training and supervised directly by a licensed respiratory therapist.

3.5 A holder of the student temporary permit is strictly prohibited from performing positive pressure procedures such as: Intermittent Positive Pressure Breathing, Bi-Level, Continuous Positive Airway Pressure devices.

3.6 A holder of the student temporary permit is strictly prohibited from performing any procedure which is not written within this rule.